

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**AUGUST 3, 2009**

**NORTH SMITHFIELD HIGH SCHOOL AUDITORIUM**

**7:00**

**P.M.**

## **SPECIAL MEETING**

The meeting was called to order at 7:24 PM and began with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

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## **SEWER PROJECT PAY REQUESTS**

**MOTION** by Mr. Leclerc, seconded by Mr. Zwolenski to approve pay requests to James J. Geremia & Associates, Inc. based upon the recommendation of the North Smithfield Sewer Commission for \$425.00 for Invoice #11 with discussion.

Mr. Zwolenski wanted to confirm that this was work done in the month of June prior to the July 13th meeting.

Mr. Kane confirmed that was the last pay request for phase 3.

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and voted 3 to 2 (Mr. Leclerc and Mr. Zwolenski voted no) on a roll call vote to approve pay request to James J. Geremia & Associates, Inc. based upon the recommendation of the North Smithfield Sewer Commission for \$425.00 for Invoice #11 for Design Services.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron and voted unanimously on a roll call vote to approve payment request to James J. Geremia & Associates, Inc. based upon the recommendation of the North Smithfield Sewer Commission for \$9,825.44 for Invoice #10 for Phase 1A Construction Administration & Resident Inspection Services.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron to approve payment request to James J. Geremia & Associates, Inc. based upon the recommendation of the North Smithfield Sewer Commission for \$8,391.65 for Invoice #10 for Phase 1B Construction and Administration and Resident Inspection Services with discussion.**

**Mr. Zwolenski asked that the contract calls for daily reports and are the daily reports being done by the onsite inspector Geremia & Associates?**

**Mrs. Hamilton confirmed that yes there are reports that are being given and at times two and three times a day.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron and voted unanimously on a roll call vote to approve payment request to James J. Geremia & Associates, Inc. based upon the recommendation of the North Smithfield Sewer Commission for \$8,391.65 for Invoice #10 for Phase 1B Construction and Administration and Resident Inspection Services.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit to approve payment request #9 to John Rocchio Corporation based upon the recommendation of the North Smithfield Finance Director and the Sewer Commission for \$29,270.85 for Phase 1A Sanitary Sewer system, Environment One Grinder Pump Systems with discussion.**

**Mr. Biron questioned on the last page of the invoice the 125 ft. of electrical cable for the grinder pumps and wanted to know if that was a one time charge or will it be added in again.**

**Mr. Kane acknowledged that it would be a one time fee.**

**Mr. Leclerc referred to page 1 of 6 of the bill and asked about the percent complete-time is at 102.7%.**

**Mrs. Briggs indicated that it is being paid by unit price not on time. She referred to the percent complete which is 57.7%.**

**Mr. Leclerc also asked where is the stock being held and asked if the grinder pumps are purchased for phases 1A and 1B or is there an abundance of grinder pumps?**

**Mr. Kane indicated that the pumps are ordered just for phases 1A and 1 B only.**

**Mr. Alvarez stated that they store 20 grinder pumps at the highway barn. He also stated that the standard grinder pumps come with 32 ft. of cable. When a resident needs a longer cable, then a special cable is ordered especially for that resident.**

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**MOTION by Mr. Leclerc, seconded by Dr. Benoit and voted unanimously on a roll call vote to approve payment request #9 to John Rocchio Corporation based upon the recommendation of the North Smithfield Finance Director and the Sewer Commission for \$29,270.85 for Phase 1A Sanitary Sewer system, Environment One Grinder Pump Systems.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron to approve payment \$294,362.29 for payment request #10 to John Rocchio Corporation based upon the recommendation of the North Smithfield Finance Director and the Sewer Commission for \$294,362.29 for Phase 1A**

**Sanitary Sewer System with discussion.**

**Mr. Biron asked why there was a difference of \$15,491.76 compared to the cover sheet and is that amount not being charged?**

**Mr. Kane stated yes.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron and voted unanimously on a roll call vote to approve payment \$294,362.29 for payment request #10 to John Rocchio Corporation based upon the recommendation of the North Smithfield Finance Director and the Sewer Commission for \$294,362.29 for Phase 1A Sanitary Sewer System.**

**2ND READING ORDINANCE AMENDMENT RE: MUNICIPAL WORK WEEK**

**Mr. Benoit asked what the reasons are that the municipal offices should close on Fridays.**

**Mrs. Hamilton's response was that it is still her recommendation to close on Fridays and give it a try and cut down on the work week to save on electricity, gas, propane, heating and to include additional hours to 7:30 AM to 4:30 PM Monday, Tuesday and Wednesday and Thursday from 7:30 AM to 5:30 PM and close on Friday.**

**Mr. Benoit and Mr. Biron both stated that they will not support this**

**ordinance.**

**Mr. Lovett asked that this would only apply to those employees who work at the town hall and municipal annex only, not those employees at the highway department.**

**Mrs. Hamilton's reply was yes.**

**Mr. Lovett stated that decreasing services at this time is not a good idea and he feels that there are other ways and other places that they can continue to keep the budget and expenses down.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Zwolenski and voted unanimously on a roll call vote to table the second reading of the following ordinance amendment: "IT IS ORDAINED by the Town Council of the Town of North Smithfield: State of Rhode Island and Providence Plantations Town of North Smithfield Ordinance of the Town Council Relating to the Workweek: Chapter 13 of the Code of Ordinances is amended to revise Section 13-63, "WORKWEEK" which shall read as follows: Section 13-63 entitled Workweek, Unless otherwise set forth in the Code, the normal workweek shall consist of four (4) or five (5) consecutive days, not to include Saturdays or Sundays, to be determined from time to time by the Town Administrator or as provided for in any and all then current labor agreements. Unless otherwise set forth in the Code or in any and all then current labor agreements, the working hours in each**

**workweek shall be set at Thirty-Five (35) hours per workweek for each municipal employee.”**

**1ST READING ORDINANCE AMENDMENT RE: SALARIES AND WAGES**

**MOTION by Mr. Zwolenski, seconded by Mr. Biron, and voted unanimously on an aye vote to approve the ordinance as presented for the first reading and the second reading will be scheduled for the August 17th meeting.**

**BVL LIQUOR LICENSE-WIDE WORLD OF INDOOR SPORTS**

**MOTION by Mr. Leclerc, seconded by Mr. Biron and voted unanimously on an aye vote to move up item #6 North Smithfield Town Council Sitting as the Board of License Commissioners: A. BVL Liquor License (Beer &**

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**Wine), Victualing License and Coin-Operated Mechanical Devices License-Wide World of Indoor Sports Corp.**

**Mr. James Rodrigues has requested to obtain a BVL Liquor License and he has received the Certificate of Good Standing, along with all of the other certificates. The only thing he is missing is the Health Certificate which when his construction is complete he will receive from the State of Rhode Island.**

**Mr. Nadeau's recommendation is that once the Department of Health goes in and inspects the construction to pass it conditional upon receiving the Health Department's certificate and give to the Town Clerk and have the building inspector check everything before having the final license issued.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron and voted unanimously on an roll call vote to approve the BVL Liquor License, Victualing License and Coin-Operated Mechanical Devices License to Wide World of Indoor Sports Inc. with the condition he obtains the health department certificate and it is submitted to the town clerk's office and the building inspector goes out and makes his final inspection and the applicant of Wide World of Indoor Sports located at 621 Pound Hill Road, Building 200, North Smithfield, RI.**

## **TOWN COUNCIL DISCUSSION AND VOTE ON SEWER COMMISSION RECOMMENDATIONS**

### **SEWER TIE-IN RESIDENT NOTIFICATION FOR PHASE 1**

**Mr. Kane stated that the sewer commission authorized resident notifications which was sent to households for the sewer tie-in requirement and was given a timeframe of one year to tie-in according to the ordinance and with the recommendation of the sewer commission is to remove the tie-in requirements for Phase 1.**

**Mr. Lovett stated that if the tie-in requirement is extended or**



**eliminated all together, the ordinance will need to be changed and will require a first and second reading of the ordinance.**

**Mrs. Briggs stated that she does agree and has asked the town administrator to put together hardship criteria and have not received anything as of yet beyond the scope of the sewer commission.**

**Mr. Leclerc feels that they need to focus on those that have failing systems, cesspools and people who really want them and there are those that have direct discharge in the Branch River area and the focus needs to be made on that particular group.**

**Mr. Kane stated that residents of Andrew Terrace and Branch Avenue have to be kept separate because the way the project is halted for Phase 2 and Phase 2 would need to be redesigned. They need direction of where to go from here.**

**Mr. Lovett also asked for guidance from fellow council members of where they should go from here. And his suggestion is to look at it a little more.**

**Mr. Kane stated that the work and payments that have been made for Phases 2 and 3 are not put into Phase 1. The sewer commission's recommendation is to take the costs of the design work and charge it to the town.**

**Mr. Lovett stated that everyone and as the town has the responsibility to start paying in July 1, 2010.**

**Mr. Kane stated that it was brought before the commission as a recommendation by Mr. Geremia that we allow and complete the final project and it would receive an engineering stamp and as an engineering standpoint and would then place the design on the shelf.**

**Mrs. Briggs stated so far that what was spent was \$300,000.00 for Phases 2 and 3 and in the vicinity of approximately \$70k-\$80K and finish to put the design stamp on the pieces. And by stopping the project the way they did and they can not complete those designs. If they have Phases 2 and 3 and they have the engineering stamp and at some point in the future can pick and choose a location and build out**

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**pieces of one and the entirety of another. Right now there isn't a project. They spent a lot of money on the facility plan and chose to ignore that. She is asking not to throw the money away because if in fact they go back and when they decide to build out any of these phases and choose not to retain the engineering stamp then there would be an issue. There are many professional obligations to take a plan from somebody else and have an engineering stamp and work with it. She is urging the council to consider allowing the design work to continue for Phases 2 and 3 and so they can put the engineering stamp on it and put it on the shelf.**

**Mrs. Hamilton agreed with Mrs. Briggs of the importance of having that engineering stamp on the plan. And that they are only short between \$70k and \$80k.**

## **EXTENDED WARRANTY ON GRINDER PUMPS FOR PHASES 1A AND 1B**

**Mr. Kane stated regarding the extended warranty on the grinder pumps for Phase 1A and 1B, that they received a memorandum from Mr. Geremia's office regarding a letter from the town of Marion, MA who adopted the following procedure and extended their warranty period from three (3) to five (5) years and agreed to pay for any related maintenance associated with the grinder pumps over the first ten (10) years of operation. And the sewer commission recommends that the town council along with the town administrator's office contracts and to bring before the council and will contract the same warranty policy.**

## **ROAD PAVING**

**Mr. Kane stated that the road paving costs associated of the sewer commission's recommendation to the town council is to assume responsibility for payment for reconstruction of the Town and State roads for final pavement throughout the cost of the project over a twenty (20) year period associated with the bond.**

**Mr. Zwolenski questioned the depth of the final overlay of the road**

and what Mr. Geremia had was considered to be sub-standard.

Mrs. Briggs stated that the original facility plan was put together back in 1992 and every department was asked of what they were buying and not buying and received nothing from the Planning Department or any of the other departments and are in compliance with the sub-divisions of where they come from. There were no comments on the depth requirements. She stated that the new facility plan is better than the old facility plan. She hasn't heard anything from the public works department in regards to the sub-standard or heard from anyone else.

Mrs. Briggs asked the town council that the sewer commission needs direction and need to have motions put out on the table and voted up or down. As it stands right now she stated that they have a commission that can't do anything and have tied their hands and have provided them with no funds and needs some direction and needs it in the form of a motion.

**MOTION** by Mr. Leclerc, seconded by Mr. Zwolenski to approve the Sewer Tie-In Resident Notification to extend to five (5) years for Phases 1A and 1B and move forward after the first and second reading of the ordinance has been finished with discussion.

Dr. Benoit requested to include checking those certain sections with faulty systems maybe upheld who request to extend to the five years

and to include that into the motion.

Following further discussion, Mr. Leclerc, amended his motion and Mr. Zwolenski amended his second to include Dr. Benoit's request to check those certain sections with faulty system maybe upheld who request to extend to the five years.

Mr. Nadeau's only concern is that if they extend the tie-in period from one (1) year to five (5) years there could be some liability concerns with regard to failing systems where all other systems are failing and we allow an extension of time to five years without any sort of process with what Dr. Benoit raised. His solution would be that you only get an extension for one year to five years if you can document that an engineer has reviewed your system and found it to be in working

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order and with no serious concerns and they have failed for the following four years of the extended period and if the homeowner seek an extension to document that their system is working at that particular time.

Following further discussion, Mr. Leclerc, second amended his motion and Mr. Zwolenski seconded amended his second and voted unanimously on a roll call vote to reflect the Town Solicitor's last statement regarding if someone decides to honor an extension that

**basically proves that the system is not failing with regards to the five (5) year extension.**

**MOTION by Dr. Benoit, seconded by Mr. Leclerc regarding the recommendation from Mr. Geremia and the Sewer Commission to extend the warranty on grinder pumps from three (3) to five (5) years for Phases 1A and 1B and to ten (10) years of operation for maintenance of the grinder pumps with discussion.**

**Mr. Kane stated that the contract has to be negotiated and brought back to the town council for official approval.**

**MOTION AMENDED by Dr. Benoit, second amended by Mr. Leclerc and voted unanimously on a roll call vote to include the contract once it has been negotiated and to approve the recommendation from Mr. Geremia and the Sewer Commission to extend the warranty on grinder pumps from three (3) to (5) years for Phases 1A and 1B and to ten (10) years of operation for maintenance of the grinder pumps.**

**Mr. Zwolenski stated that due to his concerns regarding the 1 ½ inch overlay, he is requesting that this subject be tabled until they have more discussion regarding road paving.**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted 2 to 3 on a roll call vote (Dr. Benoit, Mr. Biron and Mr. Lovett all voted no) to table the road paving for further discussion. The motion failed.**

**MOTION by Dr. Benoit, seconded by Mr. Biron to approve Phases 1A and 1B on the impact of roadway reconstruction costs for all affected users and a reduction in assessments totaling \$4,173.00.**

**Mrs. Briggs stated that her only concern was placing the reduction amount in the motion and that it could change and they won't know what that amount will be until the job is completed.**

**Following further discussion, Dr. Benoit amended his motion and Mr. Biron amended his second and voted unanimously on a roll call vote to include and not to exceed the reduction in assessments totaling \$4,173.00.**

### **DESIGN WORK FOR PHASES 2 AND 3**

**MOTION by Mr. Biron, seconded by Dr. Benoit and voted 3 to 2 on a roll call vote (Mr. Leclerc and Mr. Zwolenski voted no) to proceed for Design and Engineering work and so they could receive the engineering stamp.**

### **WAIVER OF APPLICATION AND PERMIT FEES FOR SEWER TIE-INS WITHIN THE FIRST YEAR**

**MOTION by Dr. Benoit, seconded by Mr. Zwolenski and voted 4 to 1 on a roll call vote (Mr. Biron voted no) to waive the application and permit fees for sewer tie-in within the first year or even prior to the notification.**

## **TIME EXTENSION FOR SEWER CONNECTION/R. VIERA**

**Mr. Viera of 1098 Victory Highway is requesting an extension of one year to tie into the sewers because is was part of a previous project. He was never informed that he had to connect to the system.**

**Mrs. Briggs stated that Mr. Viera lives at Victory Highway and was part of a previous project and the homeowners previously never connected and when he bought the home and that he was told that the town is going to come and connect him. The town never came to connect him because it wasn't the town's responsibility. So he received a letter two months ago stating the he wasn't in compliance as the town ordinance states**

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**that he wasn't connected. The sewer commission's recommendation is that he is given a one (1) year extension to connect to the system as long as he continues to pay the user fee and the sewer assessment.**

**MOTION by Dr. Benoit, seconded by Mr. Zwolenski and voted unanimously on a roll call vote to grant the Viera's a one (1) year extension and they will not be eligible for the waiver of application or permit fees.**

**DISCUSSION AND PUBLIC COMMENT ON RECENT BUDGET**



## **DECISIONS AND LACK OF FUNDING FOR NORTH SMITHFIELD SCHOOLS**

**Mr. Nangle expressed his feelings about the Town of North Smithfield and his strong commitment to public education and how proud he and his family are to be part of and live in the community. He also talked about how his children grew up and graduated from North Smithfield High School and how they have taken part inside the curriculum and attended activities that his children took part outside of the classroom. All four children participated outside of the classroom and were involved in athletics, music, clubs and student government. He has also coached the high school girl's hockey team and knows what it is to be a high school athlete. He is asking the Town Council, school committee, superintendent, Town Administrator as quickly as possible find ways to overcome the tremendous shortfall for the 2009/2010 school budget and asked everyone for their cooperation and to have a town meeting and to work together and that he is aware that these are very difficult choices that have to be made and he stated that we need to recognize the importance of this issue and the decision is asking to give \$4.00 increase to the schools and needs to be reconsidered for additional monies to be reviewed.**

**He asked the audience of how many people are willing to rally and go to the state house and let them know how tired they are of all of the state mandates for no funding for the state to cover these mandates.**

**All stood up and applauded Mr. Nangle's request.**

**He also mentioned that they will be moving away from block scheduling due to the lack of funding. He asked that they work out a way to help increase and allocate monies to the 2009/2010 school budget.**

**There were over 23 people who spoke that consisted of employees, parents, students and residents who were in favor of having continued support to find funding for the school sports programs and made points on how important sports are to the children, students and athletes of North Smithfield. All those who spoke were not in favor of supporting the pay to play for sports program.**

**Mr. Lovett read a letter received from Senator John J. Tassoni, Jr. regarding pay-to-play. The letter was read as follows: "To: Members of the North Smithfield Town Council and School Committee  
FROM: Senator John J. Tassoni, Jr. Date: July 31, 2009**

**Regarding: Pay-to-Play. First of all, let me be clear on my position on this issue. I am totally against this type of consideration of pay-to play. A number of months ago, I contacted the North Smithfield Superintendent and Town Administrator on the issue of a cell phone tower on the high school/middle school property. This tower, if granted, could bring in approximately \$50,000 to \$100,000 to the school department. I spoke to the Chairman of the School Committee as well as the Town Administrator and Superintendent for the use of**

this money for high school and middle school sports for the town of North Smithfield. I explained that it would have to be a restricted receipt account, so

that this money could only be used for sports. Why don't we explore this before we go to the option of pay-to-play? This pay-to-play option should be used only as a last resort. In addition, there are other issues that you need to think about; including the IE waiver program. You must also consider the following questions: If a child can't afford to pay, what happens? How many students will drop out of school if pay-to-play is adopted? What will pay-to-play do to students who may have to ask for the waiver? (i.e. bullying, ridicule). What about the students who are motivated to stay in school for sports and don't go on to college? Do we not risk putting them in an un-competitive position for our future workforce? In these times of economic uncertainty, I understand that the reaction often times is to charge the people who benefit from a program. However, I feel that the

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consequences of this ill advised public policy initiative have not been thoroughly considered. In fact, I feel other options should be carefully reviewed, including the cell phone tower option, before more Draconian tactic is implemented. I respectfully ask that you reconsider pay-to-play, and look at more innovative options."

**MOTION** by Mr. Zwolenski, seconded by Mr. Leclerc and voted

unanimously on an aye vote at 10:30 P.M. to extend the curfew to 11:00 P.M.

The town council members are all in agreement that extra curriculum activities along with school sports are very important and are not in favor of the pay-to-play option.

Mr. Lovett stated that they have a situation where they must all come to some type of resolution. He suggests asking the town administrator to work with the finance director and call the Rhode Island Municipal Affairs office. The reason he is saying this is that he is trying to find out if the town can give the school department more funds now that the budget has been done and the tax rate has been set. And they are determining what is in the surplus. He suggest to let the school committee have their meeting on Monday, August 10th and allow them to think about the pay-to-play a second time and decide on what they want to do. They would be willing to sit down and talk with them and try to come up with some money to cover and keeping the sports at no costs. And he suggests having a joint meeting with the school committee to discuss the answers they get from the state and to determine where the school committee is going with this whole program. And if the town council decides to move forward to give monies for sports at no costs and would like to have that money earmarked and he feels that it would be the best way to spend the money but it would be up to the school committee. He stated not to wait too long on this since school does begin

**September 1st. He is confident that if they sit down with the school committee that they could work something out.**

**Mr. Lovett reiterated and speaks on behalf of all of the council members that they do understand the importance of education and whatever they can do to try and work with the school committee, they will do.**

**Mr. Nadeau reminded the Town Council President that this is a public discussion and that there is no votes that can be taken.**

**Mr. Lovett stated that it is just a discussion for public comment but wants to sit down with the school committee and have a joint meeting.**

**Mr. Leclerc stated that he is in support in sitting down and having a joint meeting also and would like to support finding out legally how they can approach to present the money to the school department for the sports program and for it to be earmarked for the purpose.**

**Dr. Benoit would like to ask from Mr. Nangle to try and set up a field day and rally at the State House and feels confident that the entire council would join them and that he likes the idea and hopes that it would come to fruition.**

**Mr. Lovett stated that they can't vote to take any action for any money**

**as of yet and that they are all in agreement and want to wait to see what happens with the school committee decides to do and what action will be taken at their meeting. He will speak with the Chairman of the School Committee to schedule a joint meeting.**

**MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to adjourn at 10:52 P.M.**

**Respectfully submitted,**

**Patricia A. Paul, Deputy Town Clerk**